

REMARKS

Favorable reconsideration of this application, in view of the present amendments and in light of the following discussion, is respectfully requested.

Claims 15-28 are pending. Claims 15, 21 and 25-28 are amended. No new matter is introduced.

In the outstanding Office Action, Claims 15, 21 and 25 were objected to; Claims 25-28 were rejected under 35 U.S.C. § 101; and Claims 15-28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Talpade (U.S. Patent Application Publication No. 2004/0148520) in further view of Mollenkopf (U.S. Patent No. 6,980,090) and Sonnenberg (U.S. Patent No. 7,076,650).

Initially, Applicants gratefully acknowledge the courtesy of Examiners Khoshnoodi and Pyzocha in holding a personal interview with Applicants' representative on June 3, 2010. During the interview the outstanding issues in this case were discussed as summarized below and in the Interview Summary, which the Examiners have made of record. Agreement was reached that the claims as amended hereby overcome at least the applied references.

Claims 15, 21 and 25 are amended to address the informalities identified in the outstanding Office Action. Accordingly, it is respectfully requested that the objection to these claims be withdrawn.

As to the rejection of Claims 25-28 under 35 U.S.C. § 101, Claim 25 is amended to recite a non-transitory computer-readable medium. However, such amendment is only to comply with Office formalities. Specifically, the term "non-transitory" is a limitation of the medium itself (i.e., that the medium is tangible and not a signal) as opposed to a limitation on data storage persistency.

Further, MPEP § 21.06 discusses statutory subject matter in relation to data structures of a computer readable medium. Specifically, MPEP § 2106 provides:

a claimed computer-readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized, and is thus statutory.

Therefore, based on the clear language of this section, Claims 25-28 are believed to be statutory as they define a functionality of which is realized based on the interrelationship of the structure to the medium and recited hardware components. Accordingly, it is respectfully requested that the rejection of Claims 25-28 under 35 U.S.C. § 101 be withdrawn.

Turning to the rejection of Claims 15-28 as being unpatentable over Talpade, Mollenkopf and Sonnenberg, Claim 15 is amended to recite, *inter alia*, a system for protecting a communication device against a denial-of-service attack, where the system includes:

a monitoring device provided on a local area network including the communication device, the monitoring device being configured to monitor a packet transmitted to the communication device via an internet-service-provider network; and

a protection-request-information transmitting unit configured to transmit to the restricting device protection request information indicating a request for protection against the attack, the protection request information including a certificate authenticating the monitoring device, *the protection-request-information transmitting unit being configured to update the protection request information to remove packets not included in the attack from restriction based on a report of received packets transmitted from the restricting device...*(Emphasis added.)

The primary reference, Talpade, describes a system for detecting and mitigating service attacks using a sensor, an analysis engine and one or more filter routers.¹ Talpade describes that a sensor (234) transmits an indication of attack on customer networks (204,206) to the analysis engine (232), which configures the filter router (230) to reroute packets from each border and edge router (220, 222, 224, 228) to the filter router (230) for

¹ Talpade at paragraphs [0008]-[0009].

filtration.² As acknowledged in the outstanding Office Action, however, Talpade does not describe updating the indication of attack to remove packets not included in the attack from restriction.³ To cure this deficiency in Talpade, the outstanding Office Action cites Mollenkopf.

Mollenkopf describes a device for providing communication through power lines coupled between an electrical distribution network and the internal wiring of a customer premises.⁴ More specifically, Mollenkopf describes that the power line communication system (PLCS) includes bypass device (100) to communicate data signals around distribution transformers, backhaul point (10) to form an interface to a traditional non-power line telecommunication network, and an aggregation point (20) to which the backhaul point (10) is connected.⁵ Mollenkopf also describes that the PLCS includes a power line server (PLS), which manages the PLCS network.⁶ A power line interface device (PLID) (50) is disposed at the user premises to connect network devices to the PLCS network.⁷ In operation, Mollenkopf describes that before a new user device is allowed to use the PLCS system, the new user device must register with the power line server (PLS) in order to gain access to the network.⁸

However, Mollenkopf does not describe that a list of unregistered user devices is maintained by the power line server (PLS) in order to deny unregistered user devices access to the PLCS network. In fact, Mollenkopf describes just the opposite: that a user device must register with the PLCS network in order to gain access thereto. In other words, Mollenkopf merely describes the addition of new users to the PLCS network. Nowhere, however, does Mollenkopf describe maintaining a list of unregistered users, much less updating the list of

² Id.

³ See the outstanding Office Action at page 5.

⁴ Mollenkopf at column 2, lines 29-35.

⁵ Mollenkopf at column 4, lines 33-64; see also Figure 2.

⁶ Mollenkopf at column 5, lines 29-59.

⁷ Mollenkopf at column 5, line 64 - column 6, line 14.

⁸ Mollenkopf at column 25, lines 10-32.

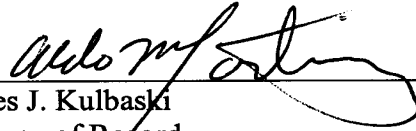
unregistered users to removed registered users therefrom in order to grant registered users access to the PLCS network. Conversely, amended Claim 15 recites that the protection-request-information transmitting unit updates the protection request information to remove packets not included in the attack from restriction based on a report of received packets transmitted from the restricting device. Therefore, Mollenkopf fails to describe the claimed protection-request-information transmitting unit. As such, Mollenkopf does not cure the above-noted deficiency in Talpade. Sonnenberg also does not disclose the claimed protection-request-information transmitting unit and therefore does not cure the deficiencies of Talpade and/or Mollenkopf relative to Claim 15. As such, no combination of Talpade, Mollenkopf and Sonnenberg describe every feature recited in amended Claim 15, and amended Claim 15 is believed to be in condition for allowance, together with its corresponding dependent claims.

Moreover, amended Claims 21 and 25 recite features substantially similar to those recited in amended Claim 15, and are therefore believed to be in condition for allowance, together with any claim depending therefrom, for substantially similar reasons. Accordingly, it is respectfully requested that the rejection of Claims 15-28 under 35 U.S.C. § 103(a) be withdrawn.

For the reasons discussed above, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal allowance. Therefore, a Notice of Allowance for Claims 15-28 is earnestly solicited.

Respectfully submitted,

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